

REMARKS

Claim 1, 2 and 5 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. The Applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **April 17, 2003**.

Claim Rejection - 35 USC §112

Claim 5 is rejected under 35 USC §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with it is most nearly connected, to make and/or use the invention.

Claim 5 is cancelled. Therefore, withdrawal of the rejection of Claim 5 under 35 USC §112, first paragraph, is respectfully requested.

Claim Rejection - 35 USC §102

Claims 1, 2 and 5 are rejected under 35 USC §102(b) as being anticipated by Machida et al. (U.S. Pat. 5,443,925).

Machida et al. describes a non-aqueous electrolyte battery having a spiral electrode unit (34) inserted into an aluminum external case (35). The aluminum external case (35) has four inner straight walls.

The present invention is a sealed battery designed to prevent thermal expansion of the sidewalls of the battery due to thermal pressure. This is accomplished by providing two of the interior walls of the battery case with curved inner surfaces. It should be noted that one of the

walls that has a curved inner surface includes a current leading terminal.

It is important to note that the cross-hatched area shown in figure 3B and 3C of Machida et al. is empty space. Specifically, the cross-hatched area in figure 3C is empty space between the outer surface of the electrode unit (34) and the inner surface of the external case (35). Therefore, no curved surface exists in the external case (35). Thus, the external case (35) shown in figure 3C is straight and flat. Therefore, Machida et al. does not disclose or suggest the curved surfaces recited in claim 1. Therefore, claim 1 patentably distinguishes over the prior art relied upon by reciting,

“A sealed battery, accommodating a battery element of flat shape, said battery element, comprising: a positive electrode and a negative electrode being laminated onto each other with a separator interposed between them and being would together; and a battery case containing said positive and negative electrode, comprising: a plurality of walls forming the battery case with each wall of the plurality of walls having an inner surface and a flat outer surface, wherein the inner surface of one wall of plurality of walls has a curved surface in which a center portion of said one wall of the plurality of walls is thinner than any other portion of said one wall.” (Emphasis Added)

Therefore, withdrawal of the rejection of Claims 1, 2 and 5 under 35 USC §102(b) as being anticipated by Machida et al. (U.S. Pat. 5,443,925) is respectfully requested.

New Claim

New claim 6 is added to the application. New claim 6 finds support in figures 2 and 3 and the associated description in the specification. Claim 6 patentably distinguishes over the prior art relied upon by reciting,

U.S. Patent Application Serial No. 09/722,114
Attorney Docket No. 001552

“A sealed battery, accommodating a battery element of flat shape, said battery element, comprising: a positive electrode and a negative electrode being laminated onto each other with a separator interposed between them and being wound together; and a battery case containing said positive and negative electrode, comprising: a plurality of walls forming the battery case with each wall of the plurality of walls having an inner surface and an outer surface, wherein the inner surface of a first wall of the plurality of walls has a curved inner surface and a second wall of the plurality of walls has a current leading terminal attached to the outer surface of the second wall and a curved inner surface of the second wall.” (Emphasis Added)

Therefore, allowance of new claim 6 is respectfully requested.

Conclusion

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. **09/722,114**
Attorney Docket No. **001552**

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



George N. Stevens
Attorney for Applicant
Reg. No. 36,938

GNS/anp

Atty. Docket No. **001552**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Q:\HOME\GSTEVENS\00\001552\amendment dated 7 16 03